

Rockport Conservation Commission Policy: Routine River or Stream Clearing

INTRODUCTION:

Rivers and streams are resource areas to be protected under the MA Wetlands Protection Act (WPA) and the Rockport Wetlands Protection By-law (By-law). Most importantly, in Rockport many streams drain directly into drinking water sources. These areas quite often collect leaves, branches, and debris from nearby trees, fields, and anything that may float down them on their way to other resource areas. In order to keep these areas clear so that water within their banks does not overflow and flood upland areas, they need to be cleared. This activity is not exempt from the WPA or Bylaw Regulations, so before clearing any river or stream, contact the Conservation Office for filing requirements.

A river by definition (310 CMR 10.58(2)) is any natural flowing body of water that empties to any ocean, lake, pond, or other river and which flows throughout the year. Rivers include streams that are perennial because surface water flows within them throughout the year. Intermittent streams are not rivers.

A Riverfront Area is the area of land between a river's mean annual high-water line measured horizontally outward from the river and a parallel line located 200 feet away. It is presumed that a riverfront is significant

1. to protect the private or public water supply;
2. to protect the groundwater;
3. to provide flood control;
4. to prevent storm damage;
5. to prevent pollution;
6. to protect land containing shellfish;
7. to protect wildlife habitat; and
8. to protect fisheries.

A stream by definition (310 CMR 10.04(4)) is a body of running water, including brooks and creeks, which moves in a definite channel in the ground due to a hydraulic gradient, and which flows within, into or out of an Area Subject to Protection Under M.G.L. c. 131, § 40. A portion of a stream may flow through a culvert or beneath a bridge. Such a body of running water which does not flow throughout the year (*i.e.*, which is intermittent) is a stream except for that portion upgradient of all bogs, swamps, wet meadows and marshes.

POLICY:

Routine stream or brook clearance means the removal of accumulated debris to restore the natural water flow, which does not change the width, depth or direction of flow

from what existed prior to accumulation of the debris, provided that the work does not impair groundwater quality or surface water quality.

1. Routine River and Stream clearance must be done by hand.
2. Before the Routine River or Stream Clearing takes place, a site visit is required by the Conservation Agent or Commissioner. This visit is scheduled by submitting a written request to the Commission, including a brief description of the proposed work and its location. Before the scheduled site visit is conducted, the applicant must identify and mark the proposed work area.
3. The Conservation Agent or a Commissioner will conduct the site visit to photograph the proposed work area and discuss the request with the land owner(s) or their representative. The required level of filing and approvals will be established before the work proceeds.
4. A follow-up site visit by the Conservation Agent or a Commissioner will take place after the work is completed to verify that it was done as proposed.

All river or stream that will not be done by hand requires the filing of a permit application with the Commission.

REASONING:

The above policy in regard to resource areas is mainly to protect homeowners from damage caused by flooding as well as to protect the drinking water sources in town.

For further information, please contact:

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